

**MINUTES**  
**Texas Board of Health Meeting**  
**October 26, 2001**

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The October 26, 2001, meeting of the Texas Board of Health (Board) was called to order at 9:50 a.m., at the Texas Department of Health (TDH), 1100 West 49<sup>th</sup> Street, Room M-739, Austin, Texas. Mario R. Anzaldua, M.D., Vice-Chair, presided. Four Board Members were in attendance.

**Board of Health Members:**

Mario R. Anzaldua, M.D., Vice-Chair  
Margo S. Scholin, B.S.N., M.S., J.D.  
Raymond Hannigan  
Amanullah Khan, M.D., Ph.D.

**Board of Health Members Absent:**

Beverly H. Robinson, Ph.D., R.N., C., F.A.A.N.

**Registered Guests**

Regina Martin, Legislative Budget Board  
Tom E. Roy, JPS Health Network, Ft. Worth, TX  
Heidi Lopez-Cepero, Governor's Office  
Lisa Cruttenden, Merck Vaccine Division  
Greg Vitalich, State Auditor's Office  
Jack Stredon, Representing Dennis Halbert  
Richard Lozano, TDH/EPIC  
John Moses, TDH/BRM  
Allyson Touchet, TDH/BRM  
Jeri Bailey, TDH/DMD  
Marilyn Calhoun, TDH/AFH  
Sarah Greenfield, TDH/BRM  
Rachel Mikesh, BRM/Print Shop  
Wanda Moreno, HHS/Print Shop  
Connie Heaps, TDH/Fiscal Accounts Payable

Dr. Anzaldua welcomed the guests. Also in attendance at the meeting were Charles E. Bell, M.D., Executive Deputy Commissioner, and other key staff members of TDH.

ON A MOTION MADE BY MS. SCHOLIN AND SECONDED BY MR. HANNIGAN, THE MINUTES OF THE SEPTEMBER 21, 2001, TEXAS BOARD OF HEALTH MEETING WERE APPROVED AS DISTRIBUTED.

A Resolution was presented by Dr. Anzaldua and Ben Delgado, Deputy Commissioner for Administration, in recognition of the Health and Human Services Administrative System Project Team. (HHSAS/PeopleSoft) (*Attachment I*)

Dr. Bell presented the Commissioner's Report, a copy of which is attached to and made a part of these Minutes. (*Attachment II*)

Dr. Anzaldua requested Board action regarding the Delegation of Authority to the Commissioner of Health as authorized by the Health and Safety Code. (*Attachment III*)

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED THE DELEGATION OF AUTHORITY TO THE COMMISSIONER OF HEALTH TO BE EFFECTIVE IMMEDIATELY.

Mr. Hannigan presented the Strategic Management Committee Report noting that the Committee approved the Minutes of their September 20, 2001 meeting, then recommended approval to accept an Educational Grant of \$1000.00 from Bristol Myers Squibb to pay for speakers' fees for a meeting held on June 16, 2001.

ON A MOTION MADE BY MR. HANNIGAN, THE BOARD APPROVED THE EDUCATIONAL GRANT OF \$1000.00 FROM BRISTOL MYERS SQUIBB.

Mr. Hannigan reported that the Strategic Management Committee received a briefing on four discussion topics. Susan K. Steeg, General Counsel, presented the rules concerning policies and

procedures of the Texas Board of Health. Ben Delgado, Deputy Commissioner for Administration, presented the Quarterly Strategic Financial Issues Report. Rick Danko, Dr.P.H., reported on the status of the 2003-2007 Strategic Plan Process. Debra C. Stabeno, M.P.H., Deputy Commissioner for Programs, presented an update on how the funds from the tobacco litigation settlement are used in Texas. The FY 02 TDH Priority Initiatives will be rescheduled for discussion at the January Board meeting.

Dr. Anzaldua presented the Health and Clinical Services Committee report, noting that this Committee approved the Minutes of the September 20, 2001 meeting, then recommended approval of the proposed repeal and new rules concerning the Epilepsy Program.

ON A MOTION MADE BY DR. ANZALDUA, THE BOARD APPROVED THE PROPOSED REPEAL OF RULES AND NEW RULES CONCERNING THE EPILEPSY PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Health and Clinical Services Committee recommended approval of proposed rules concerning the Texas Breast and Cervical Cancer Control Program.

ON A MOTION MADE BY DR. ANZALDUA, THE BOARD APPROVED PROPOSED RULES CONCERNING THE TEXAS BREAST AND CERVICAL CANCER CONTROL PROGRAM FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Dr. Anzaldua presented the Human Resources Committee report in Dr. Robinson's absence, noting that this Committee approved the Minutes of the August 16, 2001 meeting.

The Human Resources Committee recommended approval of final adoption of a rule concerning the Animal Friendly Advisory Committee. (*Attachment IV*)

ON A MOTION MADE BY DR. ANZALDUA, THE BOARD APPROVED AN ORDER

ADOPTING A RULE CONCERNING THE ANIMAL FRIENDLY ADVISORY COMMITTEE TO BE EFFECTIVE DECEMBER 1, 2001.

Ms. Scholin presented the Regulatory Committee Report, noting that this Committee approved the Minutes of their September 20, 2001 meeting and then recommended approval of a proposed rule concerning the registration of Code Enforcement Officers.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED A PROPOSED RULE CONCERNING THE REGISTRATION OF CODE ENFORCEMENT OFFICERS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Regulatory Committee recommended approval of proposed rules concerning the voluntary registration and regulation of dispensing opticians.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED THE PROPOSED RULES CONCERNING THE VOLUNTARY REGISTRATION AND REGULATION OF DISPENSING OPTICIANS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

The Regulatory Committee recommended approval of a proposed rule concerning the regulation of private psychiatric hospitals and crisis stabilization units.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED A PROPOSED RULE CONCERNING THE REGULATION OF PRIVATE PSYCHIATRIC HOSPITALS AND CRISIS STABILIZATION UNITS FOR PUBLICATION IN THE *TEXAS REGISTER* FOR 30-DAY COMMENT PERIOD.

The Regulatory Committee recommended approval of final rules regarding formal hearing procedures. (*Attachment V*)

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER

REGARDING FORMAL HEARINGS PROCEDURES TO BECOME EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

The Regulatory Committee recommended approval of final adoption of rules concerning the regulation of abortion facilities. (*Attachment VI*)

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING THE RULES CONCERNING ABORTION FACILITIES TO BE EFFECTIVE 20 DAYS AFTER FILING WITH THE TEXAS REGISTER DIVISION, OFFICE OF THE SECRETARY OF STATE.

There were no public comments.

Dr. Anzaldua thanked Eduardo Sanchez, M.D., M.P.H., for attending today's meeting.

Dr. Anzaldua announced the next meeting is scheduled to be held on Friday, November 30, 2001, in Austin, with committee meetings on Thursday, November 29, 2001.

The Board of Health entered into Executive Session concerning the approval of the appointment of the Chief Operating Officer at 10:26 a.m. and concluded at 11:27 a.m. No action was taken.

The Board of Health reconvened at 11:28 a.m.

ON A MOTION MADE BY DR. KHAN AND SECONDED BY MS. SCHOLIN, THE BOARD APPROVED THE APPOINTMENT OF MR. GARY BEGO AS THE CHIEF OPERATING OFFICER FOR THE TEXAS DEPARTMENT OF HEALTH.

Dr. Anzaldua welcomed Mr. Bego to the Texas Department of Health by saying the Board is looking forward to working with him.

The meeting was adjourned at 11:30 a.m.

APPROVED: November 30, 2001

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Mario R. Anzaldua, M.D., Chair  
Texas Board of Health

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Date